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OPEN MEETING AGENDA

THE LAW FIRM OF
HEURLIN SHERLOCK
1636 N. SWAN ROAD, STE. 200
TUCSON, ARIZONA 85712-4096
TEL 520.319.1200
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AZ CORP COM
DOCKET CO

2013 JAN 18 6M 0 40

Bruce R. Heurlin, SBN 003214, bheurlin@aztoplwyers.com
Kevin M. Sherlock, SBN 017489, ksherlock@aztoplwyers.com
Attorneys for Respondents David Shorey, Mary Jane Shorey

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

JOSEPH COSENZA and ANDREA BENSON,
husband and wife;

U.S. MEDIA TEAM, LLC, an Arizona limited
liability company;

THOMAS BRANDON and DIANE M.
BRANDON, husband and wife;

CELL WIRELESS CORPORATION, a
Nevada corporation, formerly known as U.S.
SOCIAL SCENE, a Nevada corporation;

DAVID SHOREY and MARY JANE
SHOREY, husband and wife;

Respondents.

DOCKET NO. S-20763-A-10-0430

**RESPONDENTS DAVID
SHOREY AND MARY JANE
SHOREY MOTION FOR
AWARD OF COSTS AND
ATTORNEY FEES**

Arizona Corporation Commission

DOCKETED

JAN 18 2013

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Pursuant to A.R.S. §§ 41-1001.01 and 41-1007 and A.R.S. § 12-348, Respondents David Shorey and Mary Jane Shorey move for an award of attorney fees and costs. Because the Shoreys were ordered to be dismissed, they have prevailed on the issues and the Division's position was not "substantially justified." See A.R.S. § 41-1007(A). Consequently, the Shoreys are prevailing parties and are entitled to fees and costs. See A.R.S. §§ 41-1001.01, 41-1007; A.R.S. § 12-348.

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1 The Shoreys seek **\$38,870.50** in attorney fees in the defense of this litigation and
2 **\$2,093.82** in costs, for a total of **\$40,964.32**. Exhibit A provides a full accounting of the
3 amount of time spent representing the Shoreys and the rate at which that time was
4 computed. The Shoreys respectfully ask that they be awarded that amount in full.

5 The hourly rates, the hours spent, and the costs incurred defending the Shoreys are
6 reasonable.

7 CONCLUSION

8 For the reasons expressed above, the Shoreys ask the Commission to award them
9 **\$40,964.32** in attorney fees and costs, pursuant A.R.S. §§ 41-1001.01 and 41-1007 and
10 A.R.S. § 12-348.
11

12 DATED January 17, 2013.

13 HEURLIN SHERLOCK

14 By: Bruce R. Heurlin

15 Bruce R. Heurlin

16 Kevin M. Sherlock

17 Attorneys for Respondents David Shorey,
18 Mary Jane Shorey

19 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
20 mailed on 1/17/2013, to:

21 Docket Control
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

25 COPY of the foregoing mailed on January 17, 2013, to:

26 Matt Neubert, Director, Securities Division
27 Arizona Corporation Commission
28 1300 West Washington 3rd Floor
Phoenix, Arizona 85007-2996

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Marc E. Stern
Administrative Law Judge
1200 West Washington
Phoenix, Arizona 85007

Thomas L. Brandon and Diane M. Brandon
10206 E Desert Flower Place
Tucson, Arizona 85749

Slip Listing

Timekeeper Nickname 1	Time Spent (Rate Value	Slip Value	Transaction (Description
BRH: BRUCE R. HEURLIN	1.50	\$350.00	\$350.00	3/1/2011	OFFICE CONFERENCE WITH CLIENT RE: COMPLAINT
BRH: BRUCE R. HEURLIN	0.30	\$335.00	\$100.50	3/3/2011	TELEPHONE CONFERENCE WITH AIKATERINE VERVILOS (SECURITIES DIVISION) RE: DOCUMENTS AND CONTINUANCE; PREPARE NOTICE OF APPEARANCE
BRH: BRUCE R. HEURLIN	1.70	\$335.00	\$569.50	3/3/2011	REVIEW PLEADINGS AND PREPARE NOTES
BRH: BRUCE R. HEURLIN	2.00	\$335.00	\$670.00	3/7/2011	CONTINUE REVIEW OF MATERIALS; TELEPHONE CONFERENCE WITH AIKATERINE VERVILOS RE: HEARING AND DOCUMENTS
BRH: BRUCE R. HEURLIN	1.50	\$335.00	\$502.50	3/8/2011	TELEPHONE CONFERENCE WITH SECURITIES DIVISION ATTORNEY AIKATERINE VERVILOS RE: DISCLOSURE OF DOCUMENTS AND HEARING; CONTINUE REVIEW OF DOCUMENTS
BRH: BRUCE R. HEURLIN	1.50	\$335.00	\$502.50	3/9/2011	CONTINUE REVIEW OF DOCUMENTS
BRH: BRUCE R. HEURLIN	4.00	\$335.00	\$1,340.00	3/10/2011	CONTINUE REVIEW OF DOCUMENTS
BRH: BRUCE R. HEURLIN	0.40	\$335.00	\$134.00	3/14/2011	CONTINUE REVIEW OF DOCUMENTS
BRH: BRUCE R. HEURLIN	0.20	\$335.00	\$67.00	3/15/2011	TELEPHONE CONFERENCE WITH AIKATERINE VERVILOS RE: HEARING DATE AND DISCLOSURE OF EXHIBITS
BRH: BRUCE R. HEURLIN	0.50	\$335.00	\$167.50	3/18/2011	TELEPHONE CONFERENCE WITH SECURITIES DIVISION ATTORNEY AIKATERINE VERVILOS RE: HEARING AND DISCLOSURE; PREPARE MOTION TO CONTINUE HEARING
BRH: BRUCE R. HEURLIN	0.80	\$335.00	\$268.00	3/21/2011	REVIEW NOTES OF DOCUMENTS
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	4/28/2011	REVIEW DOCUMENTS AND PREPARE NOTES
BRH: BRUCE R. HEURLIN	1.20	\$335.00	\$402.00	5/3/2011	REORGANIZE NOTES TO CHRONOLOGICAL ORDER
BRH: BRUCE R. HEURLIN	0.50	\$335.00	\$167.50	5/5/2011	REVIEW NOTES OF DOCUMENTS
BRH: BRUCE R. HEURLIN	1.50	\$335.00	\$502.50	5/10/2011	OFFICE CONFERENCE WITH CLIENT RE: IRS, FBI, AND SECURITIES DIVISION
BRH: BRUCE R. HEURLIN	1.20	\$335.00	\$402.00	5/16/2011	REVIEW FILE FOR EXHIBITS AND WITNESSES FOR DISCLOSURE
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	5/17/2011	LEGAL RESEARCH RE: DEFENSE TO CONTROL PERSON LIABILITY
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	6/1/2011	REVIEW CLIENT'S COMMENTS TO NOTES; CONTINUED LEGAL RESEARCH RE: SECURITIES ALLEGATIONS AND CONTROL
BRH: BRUCE R. HEURLIN	1.40	\$335.00	\$469.00	6/9/2011	REVIEW NOTES AND LEGAL RESEARCH
BRH: BRUCE R. HEURLIN	0.80	\$335.00	\$268.00	6/10/2011	CONTINUE REVIEW OF PLEADINGS AND LEGAL RESEARCH
BRH: BRUCE R. HEURLIN	5.00	\$335.00	\$1,675.00	6/14/2011	REVIEW NOTES FOR DISCUSSION; OFFICE CONFERENCE WITH DAVID SHOREY RE: WITNESSES, EXHIBITS, AND HEARING; PREPARE DRAFT WITNESS LIST AND EXHIBITS; REVIEW DOCUMENTS FOR MORE EXHIBITS
BRH: BRUCE R. HEURLIN	1.20	\$335.00	\$402.00	6/15/2011	REVIEW FILE FOR EXHIBITS
JB: JUDY BREWER	0.80	\$75.00	\$0.00	6/17/2011	PREPARE EXHIBITS, EMAIL TO CLIENT FOR REVIEW; TELEPHONE CONFERENCE WITH CLIENT RE: DOCUMENTS; BATES NUMBER DOCUMENTS; FINALIZE AND SERVE WITNESS LIST AND EXHIBITS (NO CHARGE)

Slip Listing

BRH: BRUCE R. HEURLIN	0.70	\$335.00	\$234.50	6/17/2011	PREPARE EXHIBITS; TELEPHONE CONFERENCE WITH CLIENT RE: EXHIBITS
BRH: BRUCE R. HEURLIN	0.30	\$335.00	\$100.50	6/22/2011	REVIEW CORRESPONDENCE AND LISTS FROM SECURITIES DIVISION
JB: JUDY BREWER	1.80	\$75.00	\$0.00	7/5/2011	PRINT AND ORGANIZE SECURITIES DIVISION DOCUMENTS INTO BINDERS FOR B. HEURLIN REVIEW (NO CHARGE)
BRH: BRUCE R. HEURLIN	1.20	\$335.00	\$402.00	7/6/2011	REVIEW BRANDON DOCUMENTS AND PREPARE SUPPLEMENTAL DISCLOSURE
BRH: BRUCE R. HEURLIN	0.70	\$335.00	\$234.50	7/6/2011	BEGIN REVIEW OF SECURITIES DIVISION'S EXHIBITS
BRH: BRUCE R. HEURLIN	3.70	\$335.00	\$1,239.50	7/7/2011	TELEPHONE CONFERENCE WITH SECURITIES DIVISION ATTORNEY AIKATERINE VERVILOS RE: CONSENT DECREE; CONTINUE REVIEW OF SECURITIES DIVISION EXHIBITS
BRH: BRUCE R. HEURLIN	2.00	\$335.00	\$670.00	7/8/2011	PREPARE FOR HEARING
BRH: BRUCE R. HEURLIN	3.20	\$335.00	\$1,072.00	7/12/2011	CONTINUE PREPARATION FOR HEARING; OFFICE CONFERENCE WITH CLIENT TO PREPARE FOR HEARING
BRH: BRUCE R. HEURLIN	2.50	\$335.00	\$837.50	7/13/2011	CONTINUE PREPARATION FOR HEARING
BRH: BRUCE R. HEURLIN	4.00	\$335.00	\$1,340.00	7/14/2011	TELEPHONE CONFERENCE WITH AIKATERINE VERVILOS RE: STIPULATION TO EXHIBITS; CONTINUE PREPARATION FOR HEARING
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	7/15/2011	REVISE OUTLINE AND OPENING STATEMENT
BRH: BRUCE R. HEURLIN	9.00	\$335.00	\$3,015.00	7/18/2011	REVISE OUTLINE; CONTINUE PREPARATION FOR HEARING; TRAVEL TO PHOENIX; MEET WITH CLIENT TO PREPARE FOR HEARING; CONTINUE PREPARATION FOR HEARING
BRH: BRUCE R. HEURLIN	10.00	\$335.00	\$3,350.00	7/19/2011	PREPARATION FOR HEARING; ATTEND HEARING; CONTINUE PREPARATION
BRH: BRUCE R. HEURLIN	8.50	\$335.00	\$2,847.50	7/20/2011	ATTEND HEARING; CONTINUE PREPARATION FOR HEARING
BRH: BRUCE R. HEURLIN	8.00	\$335.00	\$2,680.00	7/21/2011	ATTEND HEARING; TRAVEL TO TUCSON
BRH: BRUCE R. HEURLIN	1.50	\$335.00	\$502.50	7/25/2011	PREPARE OUTLINE FOR BRIEF
BRH: BRUCE R. HEURLIN	0.80	\$335.00	\$268.00	7/28/2011	LEGAL RESEARCH RE: CONTROL PERSON LIABILITY
BRH: BRUCE R. HEURLIN	0.40	\$335.00	\$134.00	8/4/2011	REVIEW ORDER TO CEASE AND DESIST - COSENZA AND US MEDIA TEAM
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	8/23/2011	OUTLINE BRIEF
BRH: BRUCE R. HEURLIN	2.00	\$335.00	\$670.00	9/13/2011	BEGIN REVIEW OF NOTES AND EXHIBITS TO PREPARE BRIEF
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	9/14/2011	CONTINUE PREPARING DRAFT BRIEF
BRH: BRUCE R. HEURLIN	3.40	\$335.00	\$1,139.00	9/15/2011	CONTINUE PREPARATION OF DRAFT BRIEF; REVIEW ALL EXHIBITS FOR ATTACHMENTS TO BRIEF; REVISE DRAFT BRIEF
JB: JUDY BREWER	0.90	\$75.00	\$0.00	9/16/2011	OBTAIN COPY OF EASTERN VANGUARD FOREX CASE FROM WESTLAW; COPY DOCUMENTS FOR EXHIBITS TO BRIEF (NO CHARGE)
BRH: BRUCE R. HEURLIN	1.00	\$335.00	\$335.00	9/19/2011	CONTINUE TO PREPARE DRAFT BRIEF AND EXHIBITS; LEGAL RESEARCH REGARDING "SELLER" AND "CONTROL PERSON"

Slip Listing

WJA: W. JAMIEL ALLEN 0.80 \$200.00 \$160.00 9/27/2011 RESEARCH REGARDING NON ACTIONABLE OPINION AND MEETING WITH B. HEURLIN

BRH: BRUCE R. HEURLIN 4.00 \$335.00 \$1,340.00 9/23/2011 REVIEW OF TRANSCRIPTS FOR BRIEF; PREPARE MORE NOTES FOR BRIEF

BRH: BRUCE R. HEURLIN 2.00 \$335.00 \$670.00 9/21/2011 CONTINUE TO PREPARE DRAFT BRIEF - ORGANIZE EXHIBITS

BRH: BRUCE R. HEURLIN 2.00 \$335.00 \$670.00 9/25/2011 REVISE DRAFT BRIEF AND REVIEW TRANSCRIPTS

BRH: BRUCE R. HEURLIN 4.80 \$335.00 \$1,608.00 9/26/2011 CONTINUE PREPARATION OF BRIEF

BRH: BRUCE R. HEURLIN 4.50 \$335.00 \$1,507.50 9/27/2011 REVISE DRAFT BRIEF (MULTIPLE DRAFTS); LEGAL RESEARCH RE: OPINION

BRH: BRUCE R. HEURLIN 1.00 \$335.00 \$335.00 9/28/2011 REVIEW SECURITIES DIVISION'S POST HEARING BRIEF AND CHECK CITES

JB: JUDY BREWER 3.20 \$75.00 \$0.00 9/27/2011 FINALIZE EDITS, ASSEMBLE AND COPY ORIGINAL AND 13 COPIES OF BRIEF TO FILE WITH ACC; ARRANGE EZ MESSENGER TO FILE SAME TODAY; MAIL COPY OF BRIEF TO SECURITIES DIVISION AND BRANDON; PRINT BRIEF EMAILED FROM SECURITIES DIVISION; EMAIL SHOREY BRIEF TO SECURITIES DIVISION (NO CHARGE)

BRH: BRUCE R. HEURLIN 0.40 \$335.00 \$134.00 2/9/2012 REVIEW BRANDON BRIEF

CATHERINE N. HOUNFODJI 1.80 \$225.00 \$405.00 1/15/2013 REVIEW DRAFT ACC RULING; DRAFT MOTION FOR ATTORNEY FEES AND COSTS; LEGAL RESEARCH RE SAME

Fees Total: * \$38,870.50**

COSTS: \$5.91 6/17/2011 POSTAGE FEE

\$145.35 7/18/2011 MILEAGE - TRAVEL 285 MILES @ \$0.51/MILE

\$336.87 7/21/2011 HOTEL AND MEAL

\$7.44 7/7/2011 POSTAGE FEE - \$2.48 x 3

\$6.84 9/27/2011 POSTAGE FEE - BRIEF SENT OUT - \$2.28 X3

\$1,535.25 9/21/2011 ACC HEARING TRANSCRIPTS

\$44.81 9/27/2011 PICK UP DOCUMENTS AND FILING AT ACC

\$11.35 2/16/2012 POSTAGE FEE - MEDIUM FLAT RATE BOX

Costs Total: \$2,093.82

RECAP OF FEES

BRUCE R HEURLIN, Atty \$38,305.50 @ \$350 and \$335 per hour

JAMIEL ALLEN, Atty \$160.00 @ \$200 per hour

CATHERINE HOUNFODJI, Atty \$405.00 @ \$225 per hour

JUDY BREWER, Legal Asst \$502.50 No Charge \$75 per hour

\$38,870.50